

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ELMORE

Serial No. **08/981,087**

Filed: **May 27, 1998**



#9 9/17/99
T Gray

Atty. Ref.: 124-688

Group: 1645

Examiner: Weatherspoon

For: **TYPE F BOTULINUM TOXIN AND USE
THEREOF**

* * * * *

September 14, 1999

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

This responds to the Official Action of June 16, 1999, paper No. 8. Petition is hereby made for a two month extension of time for which our check in the appropriate amount is attached.

Responsive to the requirement for restriction, applicants' elect the subject matter of Group I, namely claims 1-12 and 19-24. This response is made with traverse. Applicants consider the findings of the International Search Report and the holding of unity of invention to pertain in the present application as well, namely that the two groups of claims lack the same or corresponding special technical features. Accordingly, a reconsideration of the requirement for restriction is requested.

ELMORE

Serial No. 08/981,087

Please when examining these claims take into account the documents identified and discussed in the International Search Report. If for any reason these documents are not readily available to the examiner please contact the undersigned by telephone.

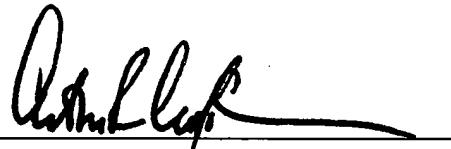
Counsel observes that in a communication mailed August 28, 1998 next to last line copies of the references and the International Search Report were acknowledged.

An examination on the merits is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Arthur R. Crawford
Reg. No. 25,327

ARC:pfc

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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In re Patent Application of

ELMORE

Serial No. 08/981,087

Filed: May 27, 1998

Title: TYPE F BOTULINUM TOXIN AND USE THEREOF

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment previously paid for	0	minus highest number 0 x \$ 18.00	\$ 0.00
Independent claims after amendment previously paid for	0	minus highest number 0 x \$ 78.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$260.00 (ignore improper)			\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$ 110.00 /1 month; \$380.00/2 months; \$870.00/3 months)			\$ 380.00
Terminal disclaimer enclosed, add \$ 110.00			\$ 0.00
First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$760.00)			\$ 0.00
Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$ 760.00)			\$ 0.00

Please enter the previously unentered filed

SUBTOTAL \$ 380.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$240.00)

Assignment Recording Fee (\$40.00) 0.00

TOTAL FEE ENCLOSED **380.00**

TOTAL FEE ENCLOSED \$ 380.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
ARC:pfc

NIXON & VANDERHYE P.C.

By Atty: Arthur R. Crawford, Reg. No. 25327

Signature: